



Best Mailable Copy UNITED STATE DEPARTMENT OF COMMERCE

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This action is FINAL; this curve is more than one year prior to the date of properties for prior to the date of prior to	
Since this application is in condition for allowance except for formal matters, prosecution as to the merits is	closed in
accordance with the practice under Ex pairie Quayle, 1935 D.C.: 11; 453 O.G. 213 come and on steel by No.	MAK SE
A shortened statutory period for response to this action is set to expire month(s), or the whichever is longer, from the mailing date of this communication. Failure to respond within the period for responding to the communication.	nirty days.
he application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provision	ons of 37 CFM
.136(a). The said of the direct should implicate application of the said to the said of the state of the said of t	. Walt
Disposition of Claims	
Claim(s) is/are pendin	g in the application.
Of the above, claim(s) is/are withdrawn	from consideration.
	is/are allowed.
Claim(s) 15 to the state of the state of 151. See the state of the sta	s/are rejected.
<u>, </u>	are objected to.
are subject to restriction or e	election requirement.
(a) A particular to an outlies of the differences between the subfert ments of the officer of the author of the differences between the subfert ments of the figure of the differences between the subfert ments of the figure of the authority.	i. r.h in
ash diagray and granger or as a whose would have be a higher A for true the morning was two	. 15%
The drawing(s) filed on the specific to by the Examiner is/are objected to by the Examiner	*
☐ The proposed drawing correction, filed on is ☐ approve	ed \square disapproved.
☐ The specification is objected to by the Examiner.	•
☐ The oath or declaration is objected to by the Examiner.	
Priority under 35 U.S.C. § 119	
Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).	
☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been	
received.	
received in Application No. (Series Code/Serial Number)	
received in this national stage application from the International Bureau (PCT Rule 17.2(a)).	•
*Certified copies not received:	·
Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).	, ·
Attachment(s)	
Notice of Reference Cited, PTO-892	
Information Disclosure Statement(s), PTO-1449, Paper No(s)	
☐ Interview Summary, PTO-413	
Notice of Draftsperson's Patent Drawing Review, PTO-948	

- SEE OFFICE ACTION ON THE FOLLOWING PAGES -

A SHEET PROPERTY. PTOL-326 (Rev. 10/95)

☐ Notice of Informal Patent Application, PTO-152

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Art Unit: 3306

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 2. Claims 1, 2 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Niezink et al.

Niezink et al.discloses a implanter apparatus with a liquid reservoir (11), conduit (8) and means for dispensing in pump (12).

Claim Rejections - 35 USC § 103

- 3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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Claims 3, 4, 6, 7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over 4.

Niezink et al..

Niezink et al. discloses the invention substantially as claimed except for a specifically

defined spray tip. Where conduit (8) enters passage (7) which in turn enters bore (9) a nozzle or

spray tip effect is achieved due to the differences in diameter of the passages thus allowing for the

dispensing of the fluid into the needle of the device.

Allowable Subject Matter

5. Claims 5, 8 and 11 are objected to as being dependent upon a rejected base claim, but

would be allowable if rewritten in independent form including all of the limitations of the base

claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner

should be directed to N. Kent Gring whose telephone number is (703) 308-2214. The examiner

can normally be reached on Monday - Friday from 9:00 a.m to 5:00 p.m.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Buiz, can be reached on (703)408-0858. The fax phone number for this Group is (703) 308-0758.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0858.

November 4, 1997